



Civil Action No. 9:17-02707-MGL

ORDER ADOPTING THE REPORT AND RECOMMENDATION  
AND REVERSING AND REMANDING THE ACTION  
FOR FURTHER ADMINISTRATIVE ACTION

This is a Social Security appeal in which Plaintiff seeks judicial review of the final decision of Defendant denying his claims for disability insurance benefits (DIB) and supplemental security income (SSI). The parties are represented by excellent counsel. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting to the Court Defendant's decision be reversed and remanded to the Commissioner for further administrative action under sentence four of 42 U.S.C. § 405(g). The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on September 18, 2018. ECF No. 33. Defendant filed a notice of not filing of objections to the Report on September 26, 2018. ECF No. 34. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court Defendant’s decision denying Plaintiff’s claim is **REVERSED** and this case is **REMANDED** to the Commissioner for further administrative action under sentence four of 42 U.S.C. § 405(g).

**IT IS SO ORDERED.**

Signed this 27th day of September 2018 in Columbia, South Carolina.

s/Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE

